

#7
05/24/03
PS**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dolores DeCarminé

Type or print name of person signing certification

Dolores DeCarminé

Signature

3/5/03
Date

CASE 1-22531/US/AO/UBT 2

IN RE PCT NATIONAL STAGE APPLICATION OF
HANS-WERNER SCHMIDT ET AL

Group Art Unit: 1755

Examiner:

INTERNATIONAL APPLICATION NO. PCT/EP 99/01429

FILED: MARCH 5, 1999

FOR: NUCLEATORS FOR CRYSTALLIZABLE
THERMOPLASTIC POLYMERS

U.S. APPLICATION NO: 09/914,700

35 USC 371 DATE: AUGUST 31, 2001

Assistant Commissioner for Patents

Washington, D.C. 20231

RECEIVED

APR 14 2003

TC 1700LETTER

Sir:

On March 11, 2002, Applicants received a corrected filing receipt, dated March 7, 2002 (copy is enclosed herewith) in response to Applicant's Letter, dated February 2, 2002. On June 10, 2002, a Communication was sent to the PTO enclosing a substitute Declaration and Power of Attorney to correct the date for a priority document, **along with a statement asking that the request presented in the Letter mailed on February 20, 2002 seeking correction of the filing receipt be withdrawn.** The reason being that this application does not claim priority of the foreign application. Please note the attached true copy of the substitute Declaration, which clearly show this. We have never received a corrected filing receipt omitting the foreign application. Please issue a corrected filing

receipt so that our records will be updated and that there will be no problem in the future regarding this matter.

Respectfully submitted,



David R. Crichton
Attorney for Applicants
Reg. No. 37,300

Ciba Specialty Chemicals Corporation
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005
(914) 785-7124
DRC/dd

Encl.: copy of filing receipt and Substitute Declaration
Date: March 5, 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/914,700	01/18/2002	1755	990	22531/US/AO/UBT2/PCT	3	11	2

RECEIVED

CONFIRMATION NO. 1004

MAR 11 2002 CORRECTED FILING RECEIPT

000324
CIBA SPECIALTY CHEMICALS CORPORATION
PATENT DEPARTMENT
540 WHITE PLAINS RD
P O BOX 2005
TARRYTOWN, NY 10591-9005

ANDREA DECECCHI
DOCKET COORDINATOR
PATENT DEPARTMENT

SC000000007593196

Date Mailed: 03/07/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Hans-Werner Schmidt, Bayreuth, GERMANY;
Thomas Schilbach, Luxembourg, GERMANY;

RECEIVED

APR 11 2002

TC 1700

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/EP99/01429 03/05/1999

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 98103812.8 03/04/1999

1998

withdraw this
foreign application
(see Letter
of Communication)

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

Title

Nucleators for crystallizable thermoplastic polymers

Preliminary Class

PP/1-22531/AO/UBT 2/PCT

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

US Case 1-22531/US/AO/UBT 2

DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATIONS

☐ Original ☐ Supplemental ☐ Substitute ☒ PCT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Nucleators for crystallizable thermoplastic polymers

which is described and claimed in:

- ☐ the attached specification.
- ☐ the specification in U.S. Application No. _____, and as amended on _____ (if applicable).
(day/month/year) (day/month/year)
- ☒ the specification in International Application No. **PCT/EP 99/01429**
filed **05/03/99**
(day/month/year)
- assigned U.S. Application No. **09/914,700** (if applicable), and as amended
- ☐ under PCT Article 19 on _____ (if applicable)
(day/month/year)
- ☐ under PCT Article 34 on _____ (if applicable)
(day/month/year)
- ☐ and further amended on _____ (if applicable)
(day/month/year)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information which is known by me to be material to the patentability of this application as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 (a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America relating to this subject matter having a filing date before that of the application on which priority is claimed:

COUNTRY/REGION (OR PCT)	APPLICATION No.	FILING DATE (day/month/year)	PRIORITY CLAIMED	
European Patent	98103812.8	04/03/98	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119 (e) of any United States provisional application(s) listed below:

APPLICATION NO.

FILING DATE
(day/month/year)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or PCT international application(s) designating the United States listed below and, insofar as the application discloses and claims subject matter in addition to that disclosed in the prior copending application, I acknowledge the duty to disclose all information known by me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. APPLICATION
No.FILING DATE
(day/month/year)

STATUS

<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned
<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned
<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned
<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned
<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned

PCT APPLICATION
No.
(designating the U.S.)INTERNATIONAL
FILING DATE
(day/month/year)U.S. APPLICATION
No.
(if any)

STATUS

<input type="checkbox"/> Patented
<input type="checkbox"/> Pending
<input type="checkbox"/> Abandoned

I hereby appoint the following attorneys and agents, associated with Customer No. 000324, each of them with full power of substitution, revocation and appointment of associates, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Luther A. R. Hall (Reg. No. 27,337), JoAnn L. Villamizar (Reg. No. 30,598), Kevin T. Mansfield (Reg. No. 31,635), David R. Crichton (Reg. No. 37,300), Michele A. Kovaleski (Reg. No. 37,865) and Tyler A. Stevenson (Reg. No. 46,388).

Address all correspondence associated with Customer No. 000324 to ***Ciba Specialty Chemicals Corporation, Patent Department, 540 White Plains Road, P.O. Box 2005, Tarrytown, NY 10591-9005.***

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole
or first joint inventor **SCHMIDT Hans-Werner**

Inventor's signature



Date

20 / 03 / 2002
(day/month/year)

Residence

**Lisztstrasse 26
95444 Bayreuth
Germany**

Citizenship

German

Post Office Address

same as above

Full name of second
joint inventor, if any

SCHILDBACH Thomas

Inventor's signature



Date 30/05/2002
(day/month/year)

Residence

**Cité Bettenwiss 15
8479 Eischen
Luxembourg**

Citizenship

German

Post Office Address

same as above



Ciba

Ciba Specialty Chemicals Corporation
540 White Plains Road
P.O. Box 2005
Tarrytown NY 10591-9005
Telephone: 914-785-2000
Fax: 914-785-7102

FACSIMILE LETTER

TO: PCT Branch
PCT Legal Branch
Assistant Commissioner of Patents
Washington, D.C. 20231
Fax: (703)308-6459

FROM: David R. Crichton
Patent Department

Pages **9**

RECEIVED

APR 14 2003

TC 1700

Re: Patent Application
HANS-WERNER SCHMIDT ET AL
Application No. 09/914,700
Case PP/1-22531/AO/UBT 2/PCT

Please find enclosed a "LETTER" to correct the filing receipt for the above-identified application. Please make this correction as soon as possible and issue the necessary paper as stated in the enclosed letter. Thank you for your cooperation in this matter.


Dolores DeCarminé for
David R. Crichton